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Nashville, TN 37201-3300

guy.hicks@bellsouth.com

T.R.A. DOCKET ROOM

**Guy M Hicks**  
General Counsel

615 214 6301  
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August 10, 2004

VIA HAND DELIVERY

Hon Pat Miller  
Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

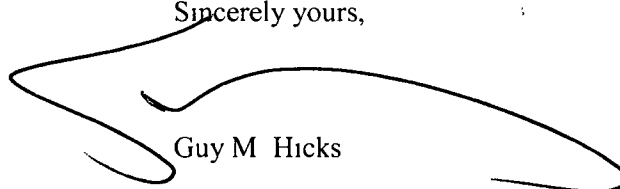
Re *Approval of the Amendment to the Interconnection Agreement Negotiated by BellSouth Telecommunications, Inc and Comm South Companies, Inc Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996*  
Docket No 04-00248

Dear Chairman Miller:

Pursuant to Section 252(e) of the Telecommunications Act of 1996, Comm South Companies, Inc and BellSouth Telecommunications, Inc are hereby submitting to the Tennessee Regulatory Authority the original and fourteen copies of the attached Petition for Approval of the Amendment to the Interconnection Agreement dated July 4, 2002. The Amendment modifies Local Number Portability in the Agreement.

Thank you for your attention to this matter.

Sincerely yours,



Guy M Hicks

cc Roy Harsila, Comm South Companies, Inc

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee

In re: *Approval of the Amendment to the Interconnection Agreement Negotiated by BellSouth Telecommunications, Inc and Comm South Companies, Inc. Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996*

Docket No. \_\_\_\_\_

**PETITION FOR APPROVAL OF THE**  
**AMENDMENT TO THE INTERCONNECTION AGREEMENT**  
**NEGOTIATED BETWEEN BELL SOUTH TELECOMMUNICATIONS, INC.**  
**AND COMM SOUTH COMPANIES, INC.**  
**PURSUANT TO THE TELECOMMUNICATIONS ACT OF 1996**

COME NOW, Comm South Companies, Inc. ("Comm South") and BellSouth Telecommunications, Inc., ("BellSouth"), and file this request for approval of the Amendment to the Interconnection Agreement dated July 4, 2002 (the "Amendment") negotiated between the two companies pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, (the "Act"). In support of their request, Comm South and BellSouth state the following:

1. Comm South and BellSouth have successfully negotiated an agreement for interconnection of their networks, the unbundling of specific network elements offered by BellSouth and the resale of BellSouth's telecommunications services to Comm South. The Interconnection Agreement was filed with the Tennessee Regulatory Authority ("TRA") for approval on January 20, 2003.

2. The parties have recently negotiated an Amendment to the Agreement which modifies Local Number Portability in the Agreement. A copy of the Amendment is attached hereto and incorporated herein by reference.

3. Pursuant to Section 252(e) of the Telecommunications Act of 1996, Comm South and BellSouth are submitting their Amendment to the TRA for its

consideration and approval. The Amendment provides that either or both of the parties are authorized to submit this Amendment to the TRA for approval.

4. In accordance with Section 252(e) of the Act, the TRA is charged with approving or rejecting the negotiated Amendment between BellSouth and Comm South within 90 days of its submission. The Act provides that the TRA may only reject such an agreement if it finds that the agreement or any portion of the agreement discriminates against a telecommunications carrier not a party to the agreement or the implementation of the agreement or any portion of the agreement is not consistent with the public interest, convenience and necessity.

5. Comm South and BellSouth aver that the Amendment is consistent with the standards for approval.

6. Pursuant to Section 252(1) of the Act, BellSouth shall make the Agreement available upon the same terms and conditions contained therein.

Comm South and BellSouth respectfully request that the TRA approve the Amendment negotiated between the parties.

This 10<sup>th</sup> day of August, 2004.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

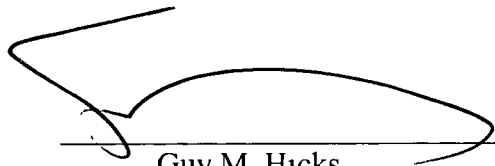
By: \_\_\_\_\_

Guy M. Hicks  
333 Commerce Street, Suite 2101  
Nashville, Tennessee 37201-3300  
(615) 214-6301  
Attorney for BellSouth

CERTIFICATE OF SERVICE

I, Guy M. Hicks, hereby certify that I have served a copy of the foregoing Petition for Approval of the Amendment to the Interconnection Agreement on the following via United States Mail on the 10<sup>th</sup> day of August, 2004:

Roy Harsila  
Comm South Companies, Inc.  
6830 Walling Lane  
Dallas, TX 75231

  
\_\_\_\_\_  
Guy M. Hicks

**Amendment  
To the  
Interconnection Agreement  
Between  
Comm South Companies, Inc.  
and  
BellSouth Telecommunications, Inc.  
Dated July 4, 2002**

Pursuant to this Amendment, (the "Amendment"), Comm South Companies, Inc , a Texas corporation, on behalf of itself and its certified operating affiliates as follows Altair Communications, Inc , E-Z Tel, Inc and Comm South Companies, Inc , doing business in its own name and doing business as Alabama Comm South Corp , Comm South Companies, Inc d/b/a Florida Comm South, Kentucky Comm South, Inc , Comm South in Tennessee (collectively referred to as "Comm South"), and BellSouth Telecommunications, Inc ("BellSouth"), hereinafter referred to collectively as the "Parties," hereby agree to amend that certain Interconnection Agreement between the Parties dated July 4, 2002 ("Agreement") to be effective thirty (30) calendar days after the date of the last signature executing the Amendment

WHEREAS, BellSouth and Comm South entered into the Agreement on July 4, 2002, and,

WHEREAS, BellSouth and Comm South are amending the Agreement to modify Local Number Portability (LNP) recovery charge pursuant to the Order in the matter of the Telephone Number Portability BellSouth Corporation Petition for Declaratory Ruling and/or Waiver, CC Docket No 95-116, released April 13, 2004,

NOW, THEREFORE, in consideration of the mutual provisions contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby covenant and agree as follows

- 1 The Parties agree to delete in their entirety all rate elements and USOCs identified as "Local Number Portability charges" in Exhibit A of Attachment 2, as specified by the following USOCs LNPCX, LNPCP, LNPCN, and LNPPC
- 2 The Parties agree to add the following language to Sections 4 and 5, as new Sections 4 6 and 5 5, respectively, of Attachment 2
  - In addition to other charges specified in this Agreement for Local Number Portability Comm South shall pay to BellSouth the Local Number Portability charges as set forth in Section 13 of the BellSouth FCC No 1 Tariff,
- 3 All of the other provisions of the Agreement dated July 4, 2002 shall remain unchanged and in full force and effect
- 4 Either or both of the Parties are authorized to submit this Amendment to the respective state regulatory authorities for approval subject to Section 252(e) of the Federal Telecommunications Act of 1996

IN WITNESS WHEREOF, the Parties have executed this Amendment the day and year written below.

**BellSouth Telecommunications, Inc.**

By

Kristen E. Rowe

Name: Kristen E. Rowe

Title: Director

Date:

7/2/04

**Alabama Comm South Corp.  
Comm south Companies, Inc.  
Comm south in Tennessee  
Comm South Companies, Inc. d/b/a  
Florida Comm south  
E-Z Tel, Inc.  
Altair Communications, Inc.  
Kentucky Comm South, Inc.**

By:

Sheri Pringle

Name:

Sheri Pringle

Title:

Director - Regulatory Aff.

Date

6/23/04